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ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE REGION OF THE MIDDLE EAST

Report of the Secretary-General

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I. INTRODUCTION

1. On 9 December 1992, the General Assembly adopted without a vote, resolution 47/48, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East". In paragraph 9 of the resolution, the Assembly requested the Secretary-General to pursue further consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and to seek their views on the measures outlined in chapters III and IV of the study annexed to his report 1/ or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the region of the Middle East. In paragraph 10 of the same resolution, the Assembly also requested the Secretary-General to submit to it at its forty-eighth session a report on the implementation of the resolution.

2. The present report is submitted in response to the request contained in paragraph 10 of resolution 47/48.

II. BACKGROUND

3. Pursuant to a request from the General Assembly, my predecessor undertook in 1989-1990 a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East. That report, contained in document A/45/435, provides a comprehensive assessment of a proposal that has been on the agenda of the General Assembly since 1974. 2/ The study, inter alia, analysed the objectives, principles and international legal framework for establishing a nuclear-weapon-free zone; it explored an array of issues bearing upon the application of the concept to the Middle East; and it examined in depth a number of steps that could ease the process leading to the creation of such a zone.

4. Since 1990, a number of events have occurred in the Middle East and beyond that bear significantly upon the prospects for establishing a nuclear-weapon-free zone in that region. From a diplomatic standpoint, the most consequential development is the negotiating process launched at the Peace Conference on the Middle East held at Madrid in October 1991. Under the formula adopted at the Conference, two sets of negotiations are being pursued: a bilateral one along two tracks - between Israel and the Arab States, and between Israel and the Palestinians - and a multilateral one. Multilateral working groups have been established to examine several key functional areas, including arms control and regional security. 3/

5. As regards the multilateral track, the United Nations has been invited to participate in the work of the Middle East Multilateral Working Group on Arms Control and Regional Security as of its third plenary session held in May 1993 in Washington, D.C. It is within the framework of this Working Group that consultations have been carried out with regional and extraregional States, as requested by the General Assembly in paragraph 9 of resolution 47/48.

6. The Working Group has held three plenary sessions and several inter-sessional meetings addressing a wide range of substantive issues, many of which concern various confidence-building measures of particular relevance to

the region. While constructive, business-like and non-confrontational, the discussions in the Working Group have also illuminated differences of view regarding preferred approaches towards the resolution of arms-related problems. Nevertheless, the in-depth ideas expressed by the Working Group and the position papers before it have already provided a valuable array of potential measures, which upon further discussion and elaboration by the respective proponents might ultimately lead to common approaches and consensus on concrete actions.

7. The scope of the ideas and measures presented so far is quite broad. It should be recalled, however, that the 1990 report stated:

> "The close relationship - the 'linkage' - among all the elements that affect security is well known. Nuclear capabilities are linked to chemical weapons, chemical weapons to conventional arms, conventional arms to political conflict. And all these threads are woven into a seamless fabric of fear and insecurity. If the area is to become and remain truly nuclear-free, then this fabric must be cut into pieces and dealt with piece by piece. The problem is much too complex and unyielding for any comprehensive settlement to solve all at once. Yet all the separate elements must be worked on concurrently, for it will not be possible to settle any one piece of the problem unless it is clear that progress is being made on the other pieces as well. A radical transformation, step by step, must be effected in the military and political relationships of the entire area." 4/

8. Taking into account all of the above, the present report focuses, in substantive terms, on two major developments of relevance for the assessment of the prospects for the establishment of such a zone: the changes in international relations pertinent to the consideration of security issues in the region; and the basic proposals advanced by States of the region at the present junction of the work of the Working Group.

III. MAJOR INTERNATIONAL DEVELOPMENTS BEARING UPON THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE MIDDLE EAST

9. Without question, the period since 1990 has been marked by enormous political and strategic changes in world affairs. Three developments in particular - nuclear disarmament by extraregional powers, the Persian Gulf war and the beginning of direct negotiations between Arab States and Israel, noted above - have implications for the establishment of a nuclear-weapon-free zone in the Middle East.

10. The pattern of nuclear arms regulation and disarmament now occurring or in prospect is one of the most heartening signs of progress in this post-cold war era. Besides the historical agreements, such as START I and II, concluded between the Russian Federation and the United States of America, we now see new, most encouraging trends favouring nuclear disarmament in other areas as well. With the exception of China, nuclear testing moratoria, for example, are being observed currently by all nuclear-weapon States, and the possibility of cooperative action on a global halt to the production of nuclear materials for weapons purposes has grown during the past year. A recent decision by the

Conference on Disarmament to commence negotiations on a comprehensive test ban constitutes a major breakthrough with regard to measures to prevent the further proliferation of nuclear weapons. The success of these negotiations will most certainly and significantly facilitate efforts towards the establishment of a nuclear-weapon-free zone in the Middle East, underscore international efforts for nuclear disarmament and strengthen the tenets of the non-proliferation regime and the realization of its letter and spirit including article VII of the Treaty on the Non-Proliferation of Nuclear Weapons. It should be recalled that regionally focused initiatives on the prohibition of testing and on the cessation of the production of fissionable materials are two measures cited in the 1990 report, which could help progress towards a full-fledged nuclear-weapon-free zone in the region.

11. On the other hand, any salutary effect that the demise of the cold war could have had on the Middle East, initially, was squandered in the Persian Gulf war as a result of Iraq's invasion of Kuwait. The war has also given much greater salience than ever before to the need to promote confidence, slow the massive flow of conventional weapons to the region and rid the Middle East of the spectre of weapons of mass destruction. The region was fortunate to be spared the use of these weapons; even a few weapons used in a "limited" way could have been catastrophic in the geographically small and vulnerable confines of the Middle East. Ominously, however, ballistic and cruise missiles, as well as piloted aircraft capable of delivering these weapons, were used, and the potential for escalation was ever-present.

12. While the Persian Gulf War itself may have helped to further stigmatize weapons of mass destruction, its aftermath has offered sobering insights into the challenge of verification, one category of measures cited in the 1990 report as a vital component of any approach to establishing a nuclear-weapon-free zone in the Middle East. Without the implementation of Security Council resolutions 687 (1991) of 3 April 1991, 705 (1991) of 15 August 1991 and 715 (1991) of 11 October 1991 based, inter alia, on the diligent efforts of United Nations inspectors after the cease-fire, the international community might never have learned of Iraq's extensive nuclear weapons development programme.

13. Against this background, the 1990 report was prescient in that it highlighted the importance of "intrusive and pervasive" verification associated with the concept of a nuclear-weapon-free zone and stated that such procedures would have to include elements "not customary" in the current safeguards practices. 5/ The Persian Gulf war has, in fact, prompted the International Atomic Energy Agency and its member States to strengthen safeguards programmes. These efforts are essential not only for preserving the Non-Proliferation Treaty, universal adherence to which I support, but also for comparable regional arrangements such as a nuclear-weapon-free zone based on consensus agreement of the regional parties concerned.

14. The main efforts, though to be focused on voluntary movement towards greater openness and transparency, should come from States within the region itself, through mutual exchange of information, inspection and the building of confidence. The Security Council, in paragraph 14 of its resolution 687 (1991), was careful to note that actions by Iraq to comply with the terms of the cease-fire would represent, inter alia, "steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction". Unlike the

special case of Iraq, quite obviously, a nuclear-weapon-free zone on a region-wide basis cannot be dictated to States from outside. Rather, it must be worked out by them. Even in a consensual setting, however, the verification procedures adopted should be strong enough to leave no doubt as to a party's compliance with its treaty obligations. Clearly, a nuclear-weapon-free-zone regime of rigorous and balanced verification related to a nuclear-weapon-free zone, applicable to all, would be vitally important in promoting confidence and security throughout the region.

15. The breakthrough in the peace process marked by the opening of direct negotiations in October 1991 between Israel and its Arab neighbours augurs well for the eventual establishment of a nuclear-weapon-free zone in the Middle East. While many obstacles remain unsettled, the process of face-to-face negotiations, carried out in good faith, can only help to lay the groundwork for an eventual reconciliation of Arab, Israeli and Palestinian positions.

IV. ATTITUDES OF STATES IN THE REGION ON A NUCLEAR-WEAPON-FREE ZONE AND RELATED QUESTIONS

16. All States in the region have declared themselves in favour of a Middle East nuclear-weapon-free zone. The resolution on the subject-matter has been adopted by consensus since 1980. This fact was noted in document A/45/435 which is still valid today. The question at issue is how best to advance the concept, especially now when a positive movement has, in fact, occurred in the relationship between several of the major political actors within the region.

17. Traditionally, the stance of the Arab States towards the concept of a nuclear-weapon-free zone has been derivative of their longstanding concerns regarding Israel's nuclear-related capabilities and intentions. Many Arab States take the view that acceptance of non-proliferation commitments, such as the Treaty on the Non-Proliferation of Nuclear Weapons or a nuclear-weapon-free zone, are an intrinsic part of building stable, peaceful relationships within the region in general. They strongly believe that such a measure would have an immediate positive effect on the resolution of a whole range of other outstanding arms limitation and security issues in the Middle East. Furthermore, they note that the Israeli insistence on deferring the acceptance of either the Treaty on the Non-Proliferation of Nuclear Weapons or International Atomic Energy Agency (IAEA) safeguards on all its nuclear facilities until the later stages of the peace process only provides suspicions regarding Israel's ultimate intentions, thereby further hampering the process as such.

18. Israel's attitude towards, and support for, the nuclear-weapon-free zone proposal has laid heavy emphasis upon the volatile character of security in the Middle East. Regional dynamics, in the Israeli view, are characterized by diverse political, religious, social and economic rivalries; by the continuing unwillingness of several important Arab States to accept politically Israel's very existence; and by the persistence of certain structural asymmetries between Israel and other States, most notably in the relative size of populations, land areas, and in the composition, structure and size of military forces. From the Israeli perspective, these factors suggest that there must be a genuine acceptance of Israel by its neighbours and that confidence and peace must be

assured and proven over time prior to the establishment of a nuclear-weapon-free zone; that a nuclear-weapon-free zone must result from the initiative of States in the region; and that the zone should be freely and directly negotiated between these States, and mutually verified.

19. The process initiated in Madrid has been heralded by all sides as opening up new prospects for peace. Within the multilateral discussions on arms control and regional security, the most promising area for progress thus far has been in the field of confidence- and security-building measures (CSBMs). Both within and outside the framework of the Working Group, Israel and the Arab side have indicated interest in a variety of measures including:

(a) Establishment of direct links for both routine and crisis communications;

(b) Mutual exchange of notifications of major military exercises and of data on military holdings in certain categories of equipment;

(c) High-level military and political visits and visits to military facilities;

(d) Arrangements on the prevention of incidents at sea and on cooperative search and rescue operations;

(e) Issuance of declaratory statements on various basic tenets of neighbourly and peaceful relations among States in the region.

There is not yet a full convergence of views on the precise scope and content of these measures. Nevertheless, the degree of shared interest already expressed in CSBMs is encouraging, for it could foreshadow new forms of cooperation that heretofore have not existed.

20. The search for a comprehensive settlement of the military and political relations in the region would certainly benefit greatly from confidence-building measures. Nevertheless, the time has come to start considering more vigorously the specific measures in the nuclear and mass-destruction weapons domains, which were enumerated in document A/45/435. It is encouraging to note that both sides have indicated their view that the Madrid framework provides a suitable, but not exclusive, venue to achieve eventual progress on the settlement of many issues, including negotiation of a nuclear-weapon-free zone.

V. CONCLUSIONS

21. The prospects for establishment of a nuclear-weapon-free zone in the Middle East region are somewhat more promising now than they were even a few years ago. Key obstacles are being gradually reduced or even eliminated. Direct negotiations between some States are now a reality; the nuclear postures of the extraregional powers are much less of a complicating factor; and the urgent need to deal with the grave threats posed by conventional weapons, missiles and nuclear and other weapons of mass destruction is more widely appreciated than ever before.

22. At the same time, a nuclear-weapon-free zone cannot be conceived of or implemented in a political vacuum, separate from the process of mutual reconciliation. The general degree of openness, transparency, mutual verification and confidence required under a nuclear-weapon-free zone would go well beyond anything currently practised in the region. It is for this reason that I urge all States of the Middle East to take every opportunity in the ongoing peace process to build bridges of mutual cooperation on security and related matters. In my view, progress on steps towards the establishment of a nuclear-weapon-free zone should neither lead nor lag behind inter-State negotiations on the broader aspects of a peace settlement; rather, the two should proceed in parallel.

Notes

1/ A/45/435.

2/ See resolution 2373 (XXII), annex.

3/ The other working groups established under the Madrid framework focus on economic development, the environment, refugees and water.

4/ A/45/435, para. 151.

5/ A/45/435, paras. 121 and 122.